

Hearing Date: April 4, 2023 at 10:00 a.m. (Prevailing Eastern Time)  
Objection Deadline: March 28, 2023 at 4:00 p.m. (Prevailing Eastern Time)

**BARCLAY DAMON LLP**

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*Counsel to Debtors and Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11, Subchapter V
	:	
GETSWIFT, INC., <i>et al.</i> , <sup>1</sup>	:	Case No. 22-11057-mew
	:	Lead Case
Debtors.	:	Jointly Administered

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**NOTICE OF HEARING ON DEBTOR'S MOTION (I) FOR AUTHORITY TO FILE A  
NOTICE OF CHANGE OF CASE CAPTION; AND (II) DIRECTING THE CLERK OF COURT  
TO MAKE CORRESPONDING CHANGES TO THE ELECTRONIC CASE FILING DOCKET**

PLEASE TAKE NOTICE that on March 15, 2023, Barclay Damon LLP, as counsel for the debtors and debtors-in-possession, filed its motion seeking the entry of an order: (I) authorizing GetSwift to file a notice of change of caption to reflect the new corporate name selected by the Debtor following the sale of substantially all of its assets to SF2 GSW LLC; and (II) directing the Clerk of the United States Bankruptcy Court for the Southern District of New York to make corresponding changes to the electronic case filing docket regarding the new case caption and the Debtor's new corporate name (Docket No. 148, the "Motion").

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: GetSwift, Inc. (4235) and GetSwift Technologies Limited (4875).

**PLEASE TAKE FURTHER NOTICE** that a hearing on the Motion will be held on **April 4, 2023, at 10:00 a.m. (prevailing Eastern Time)** (the “**Hearing**”) before the Honorable Judge Michael E. Wiles, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”).

**PLEASE TAKE FURTHER NOTICE** that, in accordance with General Order M-543, dated March 20, 2020 (Morris, C.J.) (“General Order M-543”<sup>2</sup>), the Hearing will be conducted telephonically. Any parties wishing to participate must do so telephonically by making arrangements through CourtSolutions LLC ([www.court-solutions.com](http://www.court-solutions.com)). Instructions to register for CourtSolutions LLC are attached to General Order M-543.

**PLEASE TAKE FURTHER NOTICE** that a copy of the Motion may be obtained free of charge by visiting the Bankruptcy Court’s website at <http://www.nysb.uscourts.gov> in accordance with the procedures and fees set forth therein or by contacting the undersigned.

**PLEASE TAKE FURTHER NOTICE** that the Hearing may be continued or adjourned thereafter from time to time without further notice other than an announcement of the adjourned date or dates at the Hearing or a later hearing.

**PLEASE TAKE FURTHER NOTICE** that any responses or objections (together, “**Objections**”) to the Applications shall be in writing, shall comply with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York, shall be filed with the Bankruptcy Court (a) by attorneys practicing in the Bankruptcy Court, including attorneys admitted *pro hac vice*, electronically in accordance with General Order M-399 (which can be found at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)), and (b) by all other parties in interest, on a CD-ROM, in text-searchable portable document format (PDF) (with a hard copy delivered directly to the chambers of Judge Wiles), in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and shall be served

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<sup>2</sup> A copy of General Order M-543 can be obtained by visiting <http://www.nysb.uscourts.gov/news/general-order-m-543-court-operations-under-exigent-circumstances-created-covid-19>.

in accordance with General Order M-399, so as to be filed a received no later than **March 28, 2023 at 4:00 p.m. (prevailing Eastern Time)** (the “Objection Deadline”).

**PLEASE TAKE FURTHER NOTICE** that any objecting parties are required to attend the Hearing, and failure to appear may result in relief being granted upon default.

**PLEASE TAKE FURTHER NOTICE** that if no Objections are timely filed and served with respect to the Motion, the Debtor may, on or after the Objection Deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed to the Applications, which order may be entered without further notice or opportunity to be heard.

Dated: March 15, 2023  
New York, New York

**BARCLAY DAMON LLP**

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*Counsel to Debtors and Debtors-in-Possession*

Hearing Date: April 4, 2023 at 10:00 a.m. (Prevailing Eastern Time)  
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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11, Subchapter V
	:	
GETSWIFT, INC., <i>et al.</i> , <sup>1</sup>	:	Case No. 22-11057-mew
	:	Lead Case
Debtors.	:	Jointly Administered

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**DEBTOR’S MOTION (I) FOR AUTHORITY TO FILE A NOTICE OF CHANGE  
OF CASE CAPTION; AND (II) DIRECTING THE CLERK OF COURT TO MAKE  
CORRESPONDING CHANGES TO THE ELECTRONIC CASE FILING DOCKET**

GSI Wind Down, Inc. f/k/a GetSwift, Inc. (“Debtor”), a Delaware corporation and a debtor-in-possession, together with GetSwift Technologies Limited, debtor-in-possession (collectively, “Debtors”), by and through its undersigned counsel, hereby submits this motion (the “Motion”) seeking the entry of an order: (I) authorizing the Debtor to file a notice of change of caption to reflect the new corporate name selected by the Debtor following the sale of substantially all of its assets to SF2 GSW LLC (“SF2”); and (II) directing the Clerk of the United States Bankruptcy Court for the Southern District of New York (the “Court”) to make corresponding changes to the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: GetSwift, Inc. (4235) and GetSwift Technologies Limited (4875).

electronic case filing docket regarding the new case caption and the Debtor's new corporate name.

In support of the Motion, the Debtor respectfully represents as follows:

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction to consider this matter pursuant to §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated January 31, 2012. Consideration of this matter is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue of this proceeding is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory bases for the relief requested herein are 11 U.S.C. §§ 105(a), 501, and 502(b)(9) (11 U.S.C. § 101 *et seq.*, “Bankruptcy Code”), Bankruptcy Rules 2002 and 3003, and Rules 2002–1 and 3003–1 of the Local Bankruptcy Rules for the Southern District of New York (“Local Rules”).

### **BACKGROUND**

3. On August 2, 2022 (the “Petition Date”), the Debtors filed voluntary petitions for relief under subchapter V of chapter 11 of the Bankruptcy Code in the Court commencing these chapter 11 cases (the “Chapter 11 Cases”). The Debtors remain debtors-in-possession pursuant to section 1184 of the Bankruptcy Code.

4. On August 3, 2022, the Bankruptcy Court entered an order providing for the joint administration of the Chapter 11 Cases [Docket No. 12].

5. No request for the appointment of a trustee or an examiner has been made in the Chapter 11 Cases and no statutory committees have been appointed or designated.

6. On November 15, 2022, the Court entered a supplemental sale order approving the sale of the Debtors' SaaS business to SF2 [Docket No. 113] (the “Supplemental Sale Order”).

7. On December 7, 2022, the Debtors completed a sale of the SaaS business (the “Sale”) pursuant to the Supplemental Sale Order, by closing with buyer, SF2, effective as of November 30, 2022. The Debtors have ceased operating their business and are now focused on bringing these subchapter V cases to a resolution with creditors receiving distributions as cost-effectively as possible. The Debtors anticipate filing papers with the Court before the end of this month seeking a path forward that maximizes and distributes value to creditors in the short term.

**RELIEF REQUESTED**

8. The Supplemental Sale Order authorizes the Debtor to take any and all actions necessary or appropriate to close fully the transactions contemplated by the Asset Purchase Agreement (“APA”) approved by the Supplemental Sale Order.<sup>2</sup> In connection with the Sale, and pursuant to the terms of the APA, SF2 obtained the exclusive right to, and use of, all intangible assets, including the corporate name: GetSwift, Inc. APA § 1.1, 2.14.

9. In accordance with the APA, on February 14, 2023, and upon demand made by SF2, the Debtor caused to be filed with the State of Delaware, Secretary of State, Division of Corporations, a Certificate of Amendment of Certificate of Incorporation changing its name to **GSI Wind Down, Inc.**<sup>3</sup> See Exhibit A.

10. On March 1, 2023, the Debtor filed a Notice of Change of Case Caption and Debtor GetSwift, Inc.’s address [Docket No. 147] with the Court seeking to change the case caption to the Debtor’s current name.<sup>4</sup>

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Supplemental Sale Order.

<sup>3</sup> The name “GetSwift Technologies Limited” was not sold under the APA. Accordingly, Debtor GetSwift Technologies Limited was not required to change its name.

<sup>4</sup> The Notice also provided notice that the Debtors’ address for all service purposes has changed to GSI Wind Down, Inc., c/o Barclay Damon LLP, Attn: Janice B. Grubin, 1270 Avenue of the Americas, Suite 501, New York, New York 10020.

11. By this Motion, the Debtor requests that the caption in the Chapter 11 Cases be updated to reflect the Debtor's new corporate name of "GSI Wind Down, Inc." such that, going forward, the case caption appears as follows:

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

In re:	:	Chapter 11, Subchapter V
	:	
GSI WIND DOWN, INC., <i>et al.</i> , <sup>1</sup>	:	Case No. 22-11057-mew
	:	Lead Case
Debtors.	:	Jointly Administered

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: GetSwift, Inc. (4235) and GetSwift Technologies Limited (4875).

12. Federal Rules of Bankruptcy Procedure 1005 and 9004(b) set forth the mandatory information that must be contained in the caption of all filings with this Court, which information includes the Debtor's legal name. Since the Debtor's legal name was required to be changed pursuant to the APA and the Supplemental Sale Order following the Sale, the Debtor respectfully submits that it is necessary and appropriate for the case caption to be modified accordingly.

13. Upon the approval of this Motion, the Debtor will file a further notice regarding the change of caption. The Debtor respectfully requests that, by this Motion, the Clerk of the Court be authorized to make corresponding changes to the electronic case docket.

WHEREFORE, the Debtor respectfully requests that the Court grant the relief requested herein, and such other and further relief as it deems just and proper.

Dated: March 15, 2023  
New York, New York

**BARCLAY DAMON LLP**

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*Counsel to Debtors and Debtors-in-Possession*



**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11, Subchapter V
	:	
GETSWIFT, INC., <i>et al.</i> , <sup>1</sup>	:	Case No. 22-11057-mew
	:	Lead Case
Debtors.	:	Jointly Administered

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**ORDER GRANTING DEBTOR'S MOTION (I) FOR  
AUTHORITY TO FILE A NOTICE OF CHANGE OF CASE  
CAPTION; AND (II) DIRECTING THE CLERK OF COURT TO MAKE  
CORRESPONDING CHANGES TO THE ELECTRONIC CASE FILING DOCKET**

Upon consideration of the motion filed by debtor, GSI Wind Down, Inc. f/k/a GetSwift, Inc. ("Debtor") seeking entry of an order: (I) authorizing the Debtor to file a notice of change of caption to reflect the new corporate name selected by the Debtor following the sale of substantially all of its assets to SF2 GSW LLC; and (II) directing the Clerk of the United States Bankruptcy Court for the Southern District of New York to make corresponding changes to the electronic case filing docket regarding the new case caption and the Debtor's new corporate name (Docket No. 148, the "Motion"); and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334(b) and the Amended Standing Order of Reference M-431, dated January 31, 2012 (Preska, C.J.); and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion and the deadline for filing objections to the relief requested therein having been provided; and no objections to the Motion having been filed; and upon the record of all of

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: GetSwift, Inc. (4235) and GetSwift Technologies Limited (4875).

the proceedings had before the Court; and after due deliberation and consideration, and for good and sufficient cause appearing therefor, it is hereby

**ORDERED** that the case caption in the Chapter 11 Cases be updated to reflect the Debtor's new corporate name of "GSI Wind Down, Inc." such that, going forward, the case caption appears as follows:

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

In re:	:	Chapter 11, Subchapter V
	:	
GSI WIND DOWN, INC., <i>et al.</i> , <sup>1</sup>	:	Case No. 22-11057-mew
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Debtors.	:	Jointly Administered

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: GetSwift, Inc. (4235) and GetSwift Technologies Limited (4875).

And it is further

**ORDERED** that the Clerk of the United States Bankruptcy Court for the Southern District of New York is directed to make corresponding changes to the electronic case filing docket regarding the new case caption and the Debtor's new corporate name; and it is further

**ORDERED** that this Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: \_\_\_\_\_, 2023  
New York, New York

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Hon. Michael E. Wiles  
United States Bankruptcy Judge